IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.523 OF 2007

Nasir Ahmed Mehmood
Sayyed Awate & Anr. ....Petitioners.

V/s

Haji Abdulrahmin Haji
Hussain Sayyed & Anr. ....Respondents.

Mr. Rajesh N. Kachare for Petitioners.

CORAM; S.J. VAZIFDAR, J.
DATE : 22nd January, 2007

P.C.:

1. This Writ Petition is thoroughly misconceived. At the highest, the Petitioners could have insisted that the order dated 6th March, 2006 ought to be carried out. Mere fact that the Respondents/Defendants made an application not to pursue the application regarding appointment of Commissioner, would not entail striking out their defences.

2. In such circumstances, Writ Petition is dismissed.